DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45RW.bg/0214
July 24, 2002

SUPPORTING DOCUMENT 8

Mr. John Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court
San Diego, CA 92123

Dear Mr. Robertus:

Thank you for the opportunity to review Tentative Order No. R9-2002-0002, Tentative MRP No. R9-2002-0002, and Fact Sheet Tentative Order No. R9-2002-0002 dated June 6, 2002. Submitted as enclosure (1) are our comments regarding these items.

If there are any questions regarding these comments, please feel free to contact Mr. Brian Gordon, Compliance Division Director, at (619) 524-6390 or Mr. Rob Chichester, Water Program Manager, at (619) 524-6417.

Sincerely,

Martha F. Gandy

MARTHA F. GANDY
Environmental Program Manager
By direction of the Commander

Enclosure: 1. CNRSW Environmental comments on Tentative Order No. R9-2002-0002, Tentative MRP No.R9-2002-0002, and Fact Sheet Tentative Order No. R9-200200002 dated June 6, 2002.

Copy to:
Mr. Dan Hammer, District Director
Representative Susan Davis
Mr. Jimmy Jackson, District Director
Senator Dede Alpert
Ms. Joan Dean, Assistant Deputy Secretary, Economic Development Division, California Technology, Trade and Commerce Agency

CNRSW/SSC Comments
Tentative Order No. R9-2002-002
NBPL NPDES Permit No. CA0109363

Toxicity Discharge Standard:

The Navy is concerned that the proposed 90% survivability toxicity standard is applied inconsistently and was not scientifically derived. Additional monitoring is necessary to develop an appropriate standard for storm water discharges. This section lists the Navy's concerns with the current standard and includes a Navy proposal to support development and implementation of a monitoring program with the goal of developing data that the RWQCB staff can use to generate appropriate toxicity standards based on sound science.

1. The 90% survivability toxicity standard is applied inconsistently to permitees without explanation or scientific justification.

Inclusion of a 90% survivability toxicity standard in the Naval Base Point Loma NPDES permit is inappropriate because a less stringent 70% toxicity standard is applied to boatyard storm water runoff without a regulatory explanation for the variance in standards among permitees. Moreover, the 70% survivability toxicity standard establishes an administrative determination that a 90% survivability toxicity standard is unnecessary to protect San Diego Bay water quality and beneficial uses.

The source of the 90% survivability standard and the following chronology illustrate the lack of scientific justification for, and inconsistent application of the 90% survivability toxicity standard generally, and with regard to the Navy's permit specifically:

- The May 1974 State Water Resources Control Board Document entitled *Water Quality Control Policy for the Enclosed Bays and Estuaries of California*, from which the 90% survivability toxicity standard is taken, expressly provides on page 1 that it is inapplicable to land runoff:

  > This policy **does not** apply to wastes from vessels or land runoff except as specifically indicated for siltation (Chapter III 4.) and combined sewer flows (Chapter III 7.).

  The State Water Resources Quality Control Board confirmed in a June 12, 2002 letter (Appendix A) that the policy is **not** intended to apply to storm water discharges.

- October 12, 1995: the RWQCB adopted Order No. 95-41, NPDES permit No. CAG&19001, *General Waste Water Discharge Requirements for Boatyards and Similar Facilities Located Within the San Diego Region* which contains an acute storm water toxicity standard of 70% survivability to become effective as a standard after October 12, 1998. (See: Section B, *Performance Goal/Discharge Specification* at page 8.) The scientific basis for the 70% survivability standard is not articulated.

- October 15, 1997: the RWQCB adopted Orders 97-36 and 97-37 establishing a 90% survivability toxicity standard applicable to storm water runoff at the commercial shipyards. Although the Superior Court for the State of California in and for the County of San Diego upheld this permit on appeal in *National Steel and Shipbuilding Company, Continental Maritime of San Diego, Inc. v. California State Water Resources Control Board*, Case No. 724222, the court did not address the issue of inconsistent application of the 90% survivability toxicity standard among permitees.

- October 11, 2000: the RWQCB adopted Order No. 2000-212, NPDES permit No. CAG109118, *Waste Discharge Requirements for Discharges from Shelter Island Boatyard*, which contains an acute toxicity standard for storm water runoff of 70% survivability. (*See*: Order section B, *Discharge Specifications* at page 7.) No explanation is given in the applicable *Fact Sheet*, Order or Permit as to why a 90% survivability standard applicable to commercial shipyards is inappropriate, or the scientific basis for determining a 70% standard is appropriate. This lack of explanation is particularly confusing in light of the following portion of the definition of "Acute toxicity" found in Permit Appendix B (*Definitions* at page 16):

  > "For the purposes of compliance with the acute toxicity discharge specification of Order No. 2000-212, less than seventy percent survival of standard test organisms in undiluted effluent in a 96-hour static or continuous-flow test. Defined in the Water Quality Control Policy for the Enclosed Bays and Estuaries of California as less than ninety percent survival, fifty percent of the time, and less than seventy percent survival, ten percent of the time, of standard test organisms in undiluted effluent in a 96-hour static or continuous-flow test."

  The fact the 90% survivability toxicity standard and its source are both referenced in the most recent boat yard permit suggests that other criteria, scientific data or document were relied on in determining that a 70% standard is appropriate for the boat yard operations and facilities.

- February 7, 2002, Tentative Order No. R9-2002-0002, NPDES permit No. CA0109363, *Waste Discharge Requirements for U.S. Navy Naval Base Point Loma, San Diego County* is issued for public comment. A requirement to meet a survivability standard with regard to storm water runoff is not included.

- June 6, 2002, Tentative Order No. R9-2002-0002, NPDES permit No. CA0109363, *Waste Discharge Requirements for U.S. Navy Naval Base Point Loma, San Diego County* is amended to require that industrial storm water discharges achieve a toxicity survival rate of 90%, 50% of the time and not less than 70% survival, 10% of the time within two years of the Order's adoption. The sole articulated reason for the amendment is to bring the Naval Base Point Loma permit into conformity with commercial shipyard permit requirements. (*See*: *Fact Sheet* pages 39-40.) No explanation is given as to why a standard that is expressly not intended to apply to land runoff is appropriate to the Navy as opposed to the 70% survivability toxicity standard most recently applied to the boatyards.

The Navy believes that neither the 90%, the 70%, nor any other survivability toxicity standard is currently appropriate because the scientific data to determine an appropriate survivability toxicity standard has not been developed. To remedy this deficiency, the Navy has set forth a proposal for developing the scientific data to support a survivability toxicity standard. (Referenced in point number 5, below) As the preceding chronology demonstrates, the RWQCB has repeatedly applied a 70% survivability toxicity standard to storm water runoff, and has applied this standard in the most recent permit. This establishes a regulatory determination that the 90% survivability toxicity standard is unnecessary to protect San Diego bay water quality and beneficial uses. It is incorrect to apply different survivability toxicity standards based on the type of facility or activity, such as those associated with shipyards. It is the level of toxicity a water body can assimilate that is of regulatory concern and not the source of that toxicity.

Even if a 90% survivability toxicity standard is appropriate to shipyards, application of this standard to the Navy is inappropriate because the Naval Base Point Loma Complex is not a shipyard and, if anything is more analogous to a municipality. Tentative Order R9-2002-002 does not make a distinction between industrial activities at Subase and shipyard activities. This leaves all industrial activities at Subase being regulated the same as shipyard activities. This includes for example industrial activities such as a recycling yard, automobile repair facilities, oil reclamation plants, and an air compressor plant. This dissimilarity is evident from the activity descriptions in the California Regional Water Quality Control Board's September 8, 1994 publication, *Water Quality Control Plan for the San Diego Basin (9)* at pages 4-43, 4-44, and 4-46-4-51. Although some Navy activities are similar to shipyard activities, the scope, duration and frequency of these activities are not the same. On the other hand, the activities at the boatyard facilities are more analogous to a commercial shipyard since boats are built and modified at these facilities just as at the large commercial shipyards. In any event, Naval Base Point Loma is more analogous to a municipality because of the both the wide variety of industrial activities, as described above, and the non-industrial activities such as restaurants, gas stations, POV Parking lots, and softball fields to name a few. The EPA recognized these municipality similarities, when they included military installations in the Phase II storm water regulations, requiring permit coverage for Navy urban runoff by March 2003. The Navy cannot comment further on the issue of similar operations without a clear articulation as to why it should be subjected to the 90% survivability toxicity standard from the state policy, which state officials acknowledge was not intended to be applied to land runoff, and in the absence of a scientific explanation as to why the 70% survivability toxicity standard is appropriate to the boatyard and not the Navy.

2. A sound scientific justification for any survivability toxicity standard has not been established.

Any survivability toxicity standard, whether it is 70%, 90% or any other standard needs to be based on good science. It is important to note that the RWQCB staff could not give any reason, scientific or otherwise, why different standards are currently applied to different permitees when asked at the June 27, 2002 Point Loma NPDES permit workshop. This suggests a lack of a scientific basis for either the 90%, 70%, or any other

survivability toxicity standards. This conclusion is further supported by the fact that the 90% standard is not applied anywhere else in California, or as far as the Navy can determine, anywhere in the United States. The Navy recently hired a contractor to conduct a survey of NPDES permits issued in other regions of California and in other areas of the United States. The results of the survey showed that the 90% toxicity standard for storm water discharges is more stringent than those applied by any other California RWQCB. Five non-California storm water programs were also examined: Kentucky, Maryland, Virginia, Washington, and Wisconsin. These states were selected because they have fairly mature Whole Effluent Toxicity (WET) programs and have issued guidance beyond what the U.S. EPA provides on how to apply WET. All of these states use WET primarily for measuring the toxicity of industrial or process wastewater and in only a few cases apply it to storm water discharges. In the few cases that WET was applied to storm water discharges it was typically used as a performance standard and in no cases was a standard as stringent as the 90% survivability standard included in an NPDES permit.

Again, both the current 90% and 70% survivability toxicity standards appear to have been selected and applied without demonstrating the need for, or appropriateness of either standard. Listed in item number 5 below is the Navy's proposal to rectify the inadequate scientific justification for survivability toxicity standards.

3. Current practice demonstrates that consistent compliance with either the 90% or 70% survivability toxicity standard will require collection and diversion of storm water discharges, which is not a feasible solution.

Based on toxicity testing performed at the commercial boatyards, shipyards, and the U.S. Navy Graving Dock, compliance with either the 90% or 70% toxicity standard will require the collection and diversion of storm water discharges to the municipal sewer system. Although this is the current practice for the boatyards and shipyards, this will soon cease to be an available option because of the sewer's limited carrying capacity. City of San Diego sewer agency representatives have told the Navy that the future diversion of storm water discharges to the municipal sewer system will be restricted to the first ¼ inch of runoff. Even the first ¼ inch of runoff must be held for 24 hours before the City will accept it. This will require construction of significant storage facilities in addition to major engineering projects to collect and pump the storm water. Yet this is only the first ¼ inch of runoff, not the entire runoff produced by many storm events. For example, for a one-inch storm event 75% of the runoff volume would require alternative disposal, an alternative that has yet to be identified.

If the 90% survivability toxicity standard is included in other Navy NPDES permits, as has been suggested will be the case, this would require the Navy to identify alternative disposal methods for millions of gallons of storm water runoff. The construction costs alone could easily exceed one hundred million dollars requiring major Congressional budget action. As discussed above, this would be necessary to comply with a standard that, in the case of the 90% survivability toxicity standard, has not been determined to be necessary to protect San Diego bay beneficial uses.

4. Navy believes that non-industrial storm water discharges would violate the proposed toxicity standard.

The Navy believes the 90% survivability toxicity standard is so stringent that storm water runoff from non-industrial areas could not consistently meet the 90% survivability standard and would require diversion. In fact, the standard is so high that a commonly used tool to identify the pollutants that are causing the toxicity, Toxicity Identification Evaluations (TIEs), cannot be used with high confidence in the results to determine the underlying cause of toxicity for the purposes of control and management. TIE studies cannot be performed with high confidence in the results using materials that produce survivals of greater than 80% of the control survival. This valuable management tool is impractical to successfully apply to samples routinely exhibiting survival results between 80 and 89%. Elimination of the TIE and consequently the larger Toxicity Reduction Evaluation (TRE) process relegates Best Management Practice adjustments to inefficient trial and error activities. By establishing an extremely high acute survival limit, 90%, the RWQCB is restricting the Navy's BMP troubleshooting options. Such an unintended consequence works against the Navy's and the RWQCB's mutual goal of improving the quality of San Diego Bay water.

5. The Navy proposes establishing a toxicity standard based on sound science that can be applied consistently.

The Navy understands the technical and scientific challenges in establishing toxicity standards for storm water discharges. To meet this challenge, we would like the opportunity to assist the RWQCB staff in developing scientifically based toxicity standards that will protect San Diego Bay water quality and beneficial uses and that can be applied consistently. We propose to work jointly with the RWQCB staff and other stakeholders to develop and implement a monitoring program to generate data for developing appropriate toxicity standards for industrial storm water discharges. The monitoring would occur over a two year period and combine the goals of establishing scientifically based toxicity standards with the development of Total Maximum Daily Loads (TMDLs) at Naval Station, San Diego (NAVSTA) and Naval Submarine Base, San Diego (SUBASE). TMDLs are scheduled for the water areas in front of NAVSTA and SUBASE starting in early 2003. Some of the elements that could be incorporated in the monitoring program include:

Mass Loading Quantification

- Accurate characterization of the mass loading and accurate determination of the potential for causing an exceedance of appropriate Water Quality Standards for storm water effluent discharged from Navy Base Point Loma to San Diego Bay receiving waters.
- Composite sampling of two storm events per year.
- Mass-loading data that will support TMDL development consistent with guidelines outlined in the *Technical Support Document For Water Quality-based Toxics Control* (EPA 505/2-90-001).

Toxicity (Effects) Assessment

- Design and implementation of a sampling program that collects representative effluent samples to fully characterize storm water effluent variability for a specific facility over time.
- Composite sampling of two storm events per year.
- Monitoring of both storm water discharges and San Diego Bay receiving water.
- Conducting both spatial and temporal receiving water sampling and analysis to accurately determine potential impacts.
- Comparison of biologically-available concentrations of contaminants of concern in storm water effluent to directly-impacted receiving waters.
- Application of appropriate statistical methods for evaluating significance of toxicity test results, including hydrodynamic modeling of receiving water assimilative capacity (implement the statistical approach as described in the TSD to evaluate effluent for reasonable potential and to derive WET limits or monitoring triggers).
- Calculation of facility-specific coefficients of variation (CVs) using point estimate techniques to determine the need for and derive a permit limit for WET, even if self-monitoring data are to be determined using hypothesis testing techniques, for example, to determine NOEC as outlined in the *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing* (EPA 821-B-00-004).
- Data that enhances the validity of applying whole effluent toxicity testing in a high flow/high receiving water volume environment.

At the end of the monitoring program RWQCB staff could use the data to not only develop appropriate standards for the Tentative Order, but also set scientifically based standards that can be applied to comparable discharges.

Conclusion

The proposed 90% survivability standard is not supported by sound science. The use of a 70% standard in other permits creates a fatal inconsistency and constitutes an administrative determination that a 90% standard is not necessary. Because of these flaws, the Navy requests that the 90% standard be removed from the permit and a provision inserted requiring the Navy to develop and implement a monitoring program to support RWQCB staff in developing scientifically based toxicity standards for industrial storm water discharges. The Navy believes that these changes to the permit will best support our mutual goal of improving the quality of San Diego Bay water.

Toxicity Test Methods:

1. June 3, 2002 Tentative Order No. R9-2002-002, page M-10, Toxicity Testing relative to controls.

Toxicity standards should be defined relative to control performance. Comparing toxicity data statistically to control results provides assurance that reported values are demonstrably different from control results and meets the data evaluation requirements in the EPA test protocol. We request that the tentative order be revised to allow a comparison to control results when evaluating toxicity test results. In addition, based on the EPA Method Guidance and Recommendations for Whole Effluent Toxicity Testing (EPA 821-B-00-004, page 2-3) we also request that the statistical analysis utilize an Alpha value equal to 0.01.

California Toxics Rule Congener Testing Issues:

The Tentative Monitoring and Reporting Program (MRP) lists the monitoring requirements for Priority Pollutants under the State Water Resources Control Board Resolution No. 2000-015, Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Implementation Policy). Based upon SD RWQCB Staffs interpretation of Implementation Policy requirements they are requiring monitoring for the 17 congeners 2, 3, 7, 8-TCCD once during wet weather and once during dry weather each of the next three years.

These Implementation Policy monitoring requirements are being applied to the following point source discharges: Steam condensate; Diesel Engine Cooling Water; MSF pier cleaning; dolphin pools; unused bay water; Abalone and bioassay tank; boom cleaning; mammal enclosure cleaning; small boat rinsing; and miscellaneous;
Implementation Policy, Section 3, Page 28 states that, "each major POTW and major industrial discharger monitor its effluent for the presence of the 17 congeners once during dry weather and once during wet weather each of the three years;"
The Implementation Policy goes on to say, "each minor POTW and minor industrial discharger monitor its effluent for the presence of the 17 congeners once during dry weather and once during wet weather for one year during the three year period."

Based upon these Implementation Policy requirements Staff is regulating discharges such as abalone water and dolphin pool water as Major Industrial Discharges. The Navy feels these are not Major Industrial Discharges and should be regulated as Minor Industrial Discharges with monitoring requirements of one year during the three year period.

Page 41 of the June 6, 2002 Fact Sheet states that, "...the point source discharges other than industrial storm water runoff, and ballast water discharges can be considered to be innocuous because of the nature of the discharges or the volume of the discharges."

The NPDES Permit Rating Work Sheet (see Appendix B) lists the total score points as 39.5 which is not a Major NPDES Permit rating. The work sheet then adds 500 discretionary points to push the rating into the Major NPDES Permit category.

The Navy requests these point source discharges be considered Minor Industrial dischargers and monitored for the presence of the 17 congeners once during dry weather and once during wet weather for one year during the three year period.

Sediment Testing Issues:

Tentative Order No. R9-2002-002 requires a sediment monitoring study to evaluate sediment quality adjacent to locations identified as having significant copper and zinc concentrations in storm water discharges. In our previous comments, dated March 29, 2002, we identified the existing California Bay Protection & Toxics Cleanup (BPTCP) and Total Maximum Daily Loads (TMDLs) programs as the more appropriate frameworks to address sediments in San Diego bay. We discussed the Navy's current and future participation in BPTCP and TMDL projects near Navy installations in the bay. RWQCB staff did not respond to our comments concerning utilization of the existing programs.

After participating in the June RWQCB Sediment Workshop we are now even more convinced, due to the complexity and controversy surrounding the ongoing sediment studies, that the existing programs should be completed before additional sediment monitoring is pursued. We understand there are currently 17 locations in San Diego Bay where sediment characterization work is ongoing or will be conducted in the future. Completing these studies will require extensive resources from both the dischargers and the RWQCB. The Navy fully expects to support some of these efforts as part of the BPTCP and TMDL programs. Requiring additional sediment studies through the NPDES program will divert resources away from these efforts.

We request that the sediment study requirement be removed from the Tentative MRP. This will allow the Navy to provide better support for the existing programs that are specifically intended to address sediment quality.

Other Tentative Order R9-2002-002 Comments:

June 6, 2002 Cover letter page 2, Diesel Engine Cooling Water: Tentative Order no. R9-2002-002 was modified on June 6, 2002. One of the modifications was changing the Magnetic Silencing Facility cooling water temperature limit from "...comply with the SWRCB, Water Quality Control Plan for Control of Temperature in the coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan)" to "A maximum increase of 4 degrees Fahrenheit prohibition for the discharges from the diesel engine cooling water...". While the proposed amendment is from the Thermal Plan the Navy requests the language be changed back to compliance with the Thermal Plan. This is due to the fact that waivers to the Thermal Plan may be granted by the SWRCB and the June 6, 2002 language does not clearly identify that this waiver may be granted.

Request to stay under the current General Industrial Storm Water permit:
Currently industrial storm water runoff at NBPL is monitored under the California General Industrial Storm Water Permit. Storm water contracts have been awarded and established under this permit. If Tentative Order No. R9-2002-002 is adopted during the August 14 SD RWQCB hearing its permit requirements will be applicable as of that date. That leaves little time to modify our current storm water program based upon the new storm water requirements listed in Tentative Order No. R9-2002-002. These modifications must be made before the start of required storm water monitoring, October 1 and before the end of the first quarter, September 30. Due to the short time frame to make these changes and modifications, the Navy requests the first quarter requirements, July to September, be waived. The Navy also requests the storm water monitoring and observation portion of Tentative Order No. R9-2002-002 be waived until the start of next years storm water monitoring cycle. Storm water monitoring and observation requirements will continue under the current General Industrial Storm Water Permit and will be submitted to the SD RWQCB as required. All other Tentative Order No. R9-2002-002 requirements will be followed.

Differences from current Industrial Storm Water Permits:
Under Tentative Order R9-2002-002, storm water inspections are required to be conducted quarterly for industrial activities. The ACSCE counts as one of these quarterly inspections. This is different from the current General Industrial Storm Water Permit requirements. Request the storm water inspection requirements match the General Industrial Storm Water Permit Requirements. (SWPPP Requirements Attachment D, Page 4).

General Industrial Storm Water Permit Notice of Termination:
Industrial storm water discharges from facilities that are currently covered under the General Industrial Storm Water Permit will now be covered by Tentative Order No. R9-2002-002. Is it correct to assume that a General Industrial Storm Water Permit Notice of Termination needs to be submitted for those facilities now covered under Tentative Order No. R9-2002-002?

General Utility Permit Notice of Termination:
Utility related discharges are from facilities that are currently covered under the Statewide General NPDES Permit for Discharges by Utility Companies to Surface Waters (Utility Permit) will now be covered by Tentative Order No. R9-2002-002. Is it correct to assume that a Utility Permit Notice of Termination needs to be submitted for those facilities now covered under Tentative Order No. R9-2002-002?

Specific Permit Comments:

Tentative NPDES Permit
Attachment A. Location Maps Naval Base Point Loma Complex: On the Bioassay Trailer map there is a spelling error: Replace "Biaassay Trailer Discharge Point" with "Bioassay Trailer Discharge Point".

Monitoring and Reporting Program

Page M-16, F. Monitoring for the Implementation Policy, a. Priority Pollutants: The dates to monitor discharges and receiving waters and to submit results to the Regional Board are incorrect. Dates should reflect what is listed on Table 4 - Monitoring and Reporting Schedule, page M-18 (Monitor by March 14, 2003 and submit report by April 14, 2003).

Page M-18, G. Monitoring Report Schedule, Table 4: Replace the "April 14, 2002" in the Report Due column with "April 14, 2003".

Appendix A, page 1: On the eight bullet there is a spelling error: Replace "congers" with "congeners".

Appendix A, page 1: On the eight bullet replace "Table 4" with "Table 3".

Fact Sheet

Page 8, e. Space and Naval Warfare Systems Center, San Diego, Point Loma Campus (SSC San Diego PLC), Point Source Discharges: Point source discharges should be: (utility vaults, dolphin pools, unused San Diego Bay water, abalone tanks & bioassay trailer, ship repair and maintenance activity, mammal enclosure cleaning, small boat rinsing, and miscellaneous.

Page 30, k. Mammal Enclosure Cleaning: Replace the first paragraph as follows: "The Space and Naval Warfare Systems Center San Diego, Point Loma Campus (SSC San Diego PLC) uses high pressure heated potable water to remove fecal matter from the deck areas within the Sea Lion enclosures. Saltwater is also used to clean the decks leading to and surrounding the mammal enclosures and the mammal enclosure netting. Water from the cleaning process discharges directly into the San Diego Bay".

Page 30, k. Mammal Enclosure Cleaning: Replace the third paragraph as follows: "The deck areas leading to and surrounding the mammal enclosures are cleaned as necessary with saltwater. No chemicals are used to clean decks. The maximum discharge rate for the deck areas leading to and surrounding the mammal enclosure cleaning is 20 gallons per minute. The cleaning takes approximately 1.5 hours per day. The daily discharge is 1,800 gallons".

Page 31, l. Small Boat Rinsing: In the second paragraph, replace "3.2 gallons per minute" and "2.5 hours per day" with "2.2 gallons per minute" and "6.5 hours per day".

State Water Resources Control Board

Division of Water Quality
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Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at http://www.swrcb.ca.gov.

JUN 12 2002

Mr. Brian S. Gordon
Director, Water Program
Department of the Navy
Commander Navy Region Southwest
937 North Harbor Drive
San Diego, CA 92132-0058

Dear Mr. Gordon:

APPLICABILITY OF MAY 1974 WATER QUALITY CONTROL POLICY FOR THE ENCLOSED BAYS AND ESTUARIES OF CALIFORNIA TO STORM WATER DISCHARGES

Thank you for your letter of April 11, 2002 to Celeste Cantú, Executive Director of the State Water Resources Control Board, regarding the applicability of the May 1974 Water Quality Control Policy for the Enclosed Bays and Estuaries of California (Policy) to discharges currently permitted by the National Pollutant Discharge Elimination System (NPDES) Industrial Activities Storm Water General Permit.

You are correct that the Policy's provisions concerning "industrial process water" does not apply to storm water discharges covered under the NPDES Industrial Activities Storm Water General Permit (Permit). Dischargers complying with the NPDES Permit may continue to discharge their storm water and are not subject to the phase-out policy.

If you have any questions, the staff person most knowledgeable on this subject is Leo Cosentini, and he can be reached at (916) 341-5524. You may also call Maryann Jones, Chief of the Industrial, Construction and Dairies Unit, at (916) 341-5531.

Sincerely,

Stan Martinson, Chief
Division of Water Quality

Appendix A

NPDES Permit Rating Work Sheet

☐ Regular Addition
☐ Discretionary Addition
☐ Score change, but no status change
☐ Deletion

NPDES No.: CA0109363

Facility Name: NAVY, MISC., POINT LOMA

City: SAN DIEGO

Receiving Water: SAN DIEGO BAY

Reach Number:

Is this facility a steam electric power plant (SIC=4911) with one or more of the following characteristics?
1. Power output 500 MW or greater (not using a cooling pond/lake)
2. A nuclear power plant
3. Cooling water discharge greater than 25% of the receiving stream's 7Q10 flow rate

☐ YES; score is 600 (stop here) ☒ NO (continue)

Is this permit for a municipal separate storm sewer serving a population greater than 100,000?

☐ YES; score is 700 (stop here)
☒ NO (continue)

FACTOR 1: Toxic Pollutant Potential

PCS SIC Code: Primary SIC Code: 9711

Other SIC Codes:

Industrial Subcategory Code: (Code 000 if no subcategory).

Determine the Toxicity potential from Appendix A. Be sure to use the TOTAL toxicity potential column and check one)

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
☒ No process waste streams	0	0	☐ 3.	3	15	☐ 7.	7	35
☐ 1.	1	5	☐ 4.	4	20	☐ 8.	8	40
☐ 2.	2	10	☐ 5.	5	25	☐ 9.	9	45
			☐ 6.	6	30	☐ 10.	10	50

Code Number Checked: 0

Total Points Factor 1: 0

FACTOR 2: Flow/Stream Flow Volume *(Complete either Section A or Section B; check only one)*

Section A—Wastewater Flow Only Considered

Wastewater Type (See instructions)			Code	Points
Type I:	Flow < 5 MGD	☐	11	0
	Flow 5 to 10 MGD	☐	12	10
	Flow >10 to 50 MGD	☐	13	20
	Flow > 50 MGD	☐	14	30
Type II:	Flow <1 MGD	☐	21	10
	Flow 1 to 5 MGD	☐	22	20
	Flow >5 to 10 MGD	☐	23	30
	Flow >10 MGD	☐	24	50
Type III:	Flow <1 MGD	☐	31	0
	Flow 1 to 5 MGD	☐	32	10
	Flow >5 to 10 MGD monthly	☒	33	20
	Flow >10 MGD	☐	34	30

Section B—Wastewater and Stream Flow Considered

Wastewater Type (See instructions)	Percent of Instream Wastewater Concentration at Receiving Stream Low Flow		Code	Points
TYPE I/III:	< 10%	☐	41	0
	≥ 10% to <50%	☐	42	10
	≥ 50%	☐	43	20
Type II:	< 10%	☐	51	0
	≥ 10% to <50%	☐	52	20
	≥ 50%	☐	53	30

Code Checked from Section A or B:

Total Points Factor 2:

Appendix B

NPDES Permit Rating Work Sheet

FACTOR 3: Conventional Pollutants

(only when limited by the permit)

NPDES No.: GA0101936

A. Oxygen Demanding Pollutant: (check one) ☐ BOD ☐ COD ☐ Other: N/A

Permit Limits: (check one)		Code	Points
☐	<100 lbs/day	1	0
☒	100 to 1000 lbs/day	2	5
☐	>1000 to 3000 lbs/day	3	15
☐	>3000 lbs/day	4	20

Code Checked: [ ] Points Scored: [ ]

B. Total Suspended Solids (TSS)

Permit Limits: (check one)		Code	Points
☐	<100 lbs/day	1	0
☐	100 to 1000 lbs/day	2	5
☐	>1000 to 3000 lbs/day	3	15
☐	>3000 lbs/day	4	20

Code Checked: [ ] Points Scored: [ ]

C. Nitrogen Pollutant: (check one) ☐ Ammonia ☐ Other:

Permit Limits: (check one)		Nitrogen Equivalent	Code	Points
☐	<300 lbs/day		1	0
☐	300 to 1000 lbs/day		2	5
☐	>1000 to 3000 lbs/day		3	15
☐	>3000 lbs/day		4	20

Code Checked: [ ] Points Scored: [ ] Total Points Factor 3: [ ]

FACTOR 4: Public Health Impact

Is there a public drinking water supply located within 50 miles downstream of the effluent discharge (this includes any body of water to which the receiving water is a tributary)? A public drinking water supply may include infiltration galleries, or other methods of conveyance that ultimately get water from the above referenced supply.

☐ YES (If yes, check toxicity potential number below)

☒ NO (If no, go to Factor 5)

Determine the *human health* toxicity potential from Appendix A. Use the same SIC code and subcategory reference as in Factor 1. (Be sure to use the human health toxicity group column — check one below)

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
☐ No process waste streams	0	0	☐ 3.	3	0	☐ 7.	7	15
☐ 1.	1	0	☐ 4.	4	0	☐ 8.	8	20
☐ 2.	2	0	☐ 5.	5	5	☐ 9.	9	25
			☐ 6.	6	10	☐ 10.	10	30

Code Number Checked: [ ] Total Points Factor 4: [ ]

NPDES Permit Rating Work Sheet

[FAC]TOR 5: Water Quality Factors

NPDES No.: CA0109363

A. *Is (or will) one or more of the effluent discharge limits based on water quality factors of the receiving stream (rather than technology-based federal effluent guidelines, or technology-based state effluent guidelines), or has a wasteload allocation been assigned to the discharge?*

	Code	Points
☐ Yes	1	10
☒ No	2	0

B. *Is the receiving water in compliance with applicable water quality standards for pollutants that are water quality limited in the permit?*

	Code	Points
☐ Yes	1	0
☒ No	2	5

C. *Does the effluent discharged from this facility exhibit the reasonable potential to violate water quality standards due to whole effluent toxicity?*

	Code	Points
☒ Yes	1	10
☐ No	2	0

Code Number Checked: A 2 B 2 C 1

Points Factor 5: A 0 + B 5 + C 10 = 15 TOTAL

FACTOR 6: Proximity to Near Coastal Waters

mail PCS access Kung Hou 415-972-3492

A. *Base Score: Enter flow code here (from Factor 2):* 14

Enter the multiplication factor that corresponds to the flow code: .15

Check appropriate facility HPRI Code (from PCS): 34

PCS = PERMIT COMPLIANCE SYSTEM DATABASE

	HPRI #	*Code*	*HPRI Score*
☐	1	1	20
☐	2	2	0
☒	3	3	30
☐	4	4	0
☐	5	5	20

Flow Code	Multiplication Factor
11, 31, or 41	0.00
12, 32, or 42	0.05
13, 33, or 43	0.10
14 or 34	0.15
21 or 51	0.10
22 or 52	0.30
23 or 53	0.60
24	1.00

HPRI code checked: 3

Base Score: (HPRI Score) 30 x (Multiplication Factor) .15 = 4.5 (TOTAL POINTS)

HPRI = HUMAN HEALTH PRIORITY PERMIT INDICATOR

B. *Additional Points — NEP Program*
For a facility that has an HPRI code of 3, does the facility discharge to one of the estuaries enrolled in the National Estuary Protection (NEP) program (see instructions) or the Chesapeake Bay?

	Code	Points
☐ Yes	1	10
☒ No	2	0

C. *Additional Points — Great Lakes Area of Concern*
For a facility that has an HPRI code of 5, does the facility discharge any of the pollutants of concern into one of the Great Lakes' 31 areas of concern (see instructions)

	Code	Points
☐ Yes	1	10
☒ No	2	0

Code Number Checked: A ___ B ___ C ___

Points Factor 6: A ___ + B ___ + C ___ = ___ TOTAL

NPDES Permit Rating Work Sheet

SCORE SUMMARY

NPDES No.: CA 0 1 1 0 9 3 6

Factor	Description	Total Points
1	Toxic Pollutant Potential	0
2	Flow/Streamflow Volume	20
3	Conventional Pollutants	0
4	Public Health Impacts	0
5	Water Quality Factors	15
6	Proximity to Near Coastal Waters	4.5
—	TOTAL (Factors 1 through 6)	39.5

S1. Is the total score equal to or greater than 80? ☐ Yes (Facility is a major) ☒ No

500
+ 39.5
539.5

S2. If the answer to the above question is no, would you like this facility to be discretionary major?

☐ No

☒ Yes (Add 500 points to the above score and provide reason below:

Reason: Permit contains 14 point source discharges and potentially numerous non point source discharge associated with pier repair and maintenance activities, Industrial storm water discharges included in tentative permit

NEW SCORE: 539.5

OLD SCORE: N/A

RVR

Permit Reviewer's Name

858 627 3929
Phone Number

12/21/2001
Date

NBPL

CA0109363

Discharge	daily flow (million gallons)	annual flow (million gallon)
Utility Vault & Manhole Dewatering	0.000000	0.000000
Steam Condensate	0.000045	0.016425
Cooling Water	1.200000	6.000000
ARCO Ballast Tanks	4.000000	56.000000
MSF Pier Washing	0.021300	3.400000
Dolphin Pools	0.060000	11.000000
Unused San Diego Bay Water	0.036000	13.000000
Abalone Tanks & Bioassay Trailer Discharges	0.021600	8.000000
Pier Boom Cleaning	0.001800	0.010800
Miscellaneous Discharges (landscape watering runoff, potable water & fire system maintenance)	0.000000	0.000000
total flow =	**5.340745**	**97.427225**

+ Ship repair & maintenance activities — UNKNOWN FLOW

UNK